

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAUL D. LOWE,)	CASE NO. 5:08 CV 686
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
)	Magistrate Judge James S. Gallas
)	
STARK COUNTY SHERIFF)	<u>JUDGMENT</u>
TIMOTHY A. SWANSON,)	
)	
Respondent.)	

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, the Court hereby ADOPTS the Report and Recommendation issued by Magistrate Judge Gallas. (Docket #16.) The Petition for Writ Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by Paul D. Lowe, is hereby DENIED; Petitioner's Motion for Summary Judgment (Docket #15) is hereby DENIED. The Petition is hereby DISMISSED in its entirety.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED

s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: July 7, 2009